

5

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARK C. ROKITA, JR.
Petitioner,

v.

BARRY SMITH; THE DISTRICT
ATTORNEY OF THE COUNTY
OF MONTGOMERY; and,
ATTORNEY GENERAL OF PA
Respondents.

CIVIL ACTION
NO. 18-5183

FILED

MAR - 4 2020

KATE BARKMAN, Clerk
By _____ Dep. Clerk

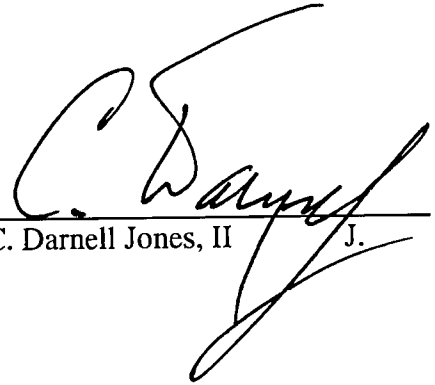
ORDER

AND NOW, this 4th day of March 2020, upon careful and independent consideration of: the Petition for a Writ of Habeas Corpus (ECF No. 1); Petitioner's Memorandum (ECF No. 6); Respondents' Response (ECF No. 5); pertinent state court records; the Report and Recommendation of United States Magistrate Judge Marilyn Heffley (ECF No. 7); Petitioner's Objections thereto (ECF No. 10); and, the Montgomery County District Attorney's Response (ECF No. 14), it is hereby ORDERED as follows:

1. Petitioner's Objections (ECF No. 10) are OVERRULED in accordance with this Court's accompanying Memorandum;
2. The Report and Recommendation (ECF No. 7) is APPROVED and ADOPTED;
3. The Petition for a Writ of Habeas Corpus (ECF No. 1) is DENIED with prejudice;
4. A Certificate of Appealability SHALL NOT ISSUE; and,

5. The Clerk of Court shall mark this matter CLOSED.

BY THE COURT:



C. Darnell Jones, II J.